



LAPORTE COUNTY BOARD OF ZONING APPEALS

Government Complex 5th Level
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ANNEMARIE POLAN
Building Commissioner

October 20th, 2020

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **October 20th, 2020, at 6:00 p.m.** in the Assembly Room of the County Complex.

MEMBERS PRESENT: Melissa Mullins Mischke Earl Cunningham
 Dwayne Hogan Glen Minich
 Greg Szybala

PRESENT: Annemarie Polan, Recording Secretary, Attorney Doug Biege; Ashley Kazmucha, Secretary

The Pledge of Allegiance.

APPROVAL OF MINUTES:

Melissa Mullins Mischke asked for approval of the meeting minutes of September 15th, 2020.

Dwayne Hogan made a motion to approve the meeting minutes of September 15th, 2020 as presented.

Earl Cunningham seconded.

All Approved. Motion passed 5-0.

Petitions:

1. Petition for Variance of Use for Portage Farms LLC to operate an events center year-round with approximately three buildings. The property is located across from 9252 N. 600 E., Rolling Prairie, IN., Hudson Twp., zoned A on 48.98 combined acres. Parcel 46-04-18-300-006.000-050 (34.92 acres) and 46-04-18-300-005.000-050 (14.01 acres).

TABLED FROM SEPTEMBER

Attorney Biege stated notice is adequate.

Fred Latsko stated his address is 9252 N. 600 E., Rolling Prairie, IN.

Melissa Mullins Mischke stated they are talking about year-round. Are they talking about specific hours of the day that he will have activities?

Fred Latsko stated there would be weddings and horse events mostly just with friends. They have friends that like to come to the farm that they have, but they don't have enough space at the home to do the events that they want to do.

Melissa Mullins Mischke asked if they have looked at this property before. Have you been before the Board before?

Fred Latsko stated no. The people before him may have, but not since he has bought it.

Dwayne Hogan asked what other events may be held there besides weddings, horse events, and small parties.

Fred Latsko stated that's all. The building he plans to build would be mostly for weddings as a lot of people ask to have weddings there. He will build it with a basketball court inside so his family will be able to use it as well. Weddings are 90% of the reason anyone would have a party out there anyway.

Melissa Mullins Mischke asked if he anticipates having a cut off time for wedding receptions.

Fred Latsko stated around 11 o'clock.

Melissa Mullins Mischke asked if they would be out by midnight.

Fred Latsko stated yes. Nothing good happens after that.

Dwayne Hogan asked if they will put a sign up out front.

Fred Latsko stated there is a sign on the house side so they would have a similar sign. It's not meant for advertisement.

Melissa Mullins Mischke asked if he is anticipating that the events will all be weekend events like Friday and Saturday.

Fred Latsko stated he would imagine they would be weekend events. He didn't really think about a Christmas party or something of the sort that could occur during the week.

Melissa Mullins Mischke asked what they anticipated hours and days of operation would be taking into consideration holidays.

Fred Latsko stated he thinks the days will be Thursday, Friday, or Saturday. The hours will be between 5pm – 11pm. They may have daytime weddings, but the parties inside would be evening type things.

Melissa Mullins Mischke asked if noon to midnight would be acceptable.

Fred Latsko stated that would cover it.

Melissa Mullins Mischke stated the sign they have is adequate.

Fred Latsko stated yes.

Earl Cunningham asked if there is any change in the drawings. They show one hundred and sixty feet by ninety feet (160' x 90'), but there are a lot of porches and foyers and so forth included.

Fred Latsko stated no, they are all included in that. He provided the outside of the envelope.

No remonstrators present.

Glen Minich stated the site is very remote. He doesn't see any problem with it. You only want to operate Thursday through Sunday?

Fred Latsko stated yes.

Earl Cunningham stated that he should be more open on that regard because you may have somebody that wants a Christmas party on a Wednesday. He's limiting himself. He could say normal hours of operation Thursday through Saturday with an occasional party on other days.

Fred Latsko stated he is correct. He would want to be able to operate Monday through Sunday if need be.

Earl Cunningham stated they would be daytime events normally throughout the week except for Thursday night through Saturday night.

Fred Latsko stated yes.

Dwayne Hogan made a motion to approve the Petition for Variance of Use for Portage Farms LLC to operate an events center year-round with approximately three buildings. Hours of Operation are Monday – Sunday, Noon – Midnight. The property is located across from 9252 N. 600 E., Rolling Prairie, IN., Hudson Twp., zoned A on 48.98 combined acres. Parcel 46-04-18-300-006.000-050 (34.92 acres) and 46-04-18-300-005.000-050 (14.01 acres).

Earl Cunningham seconded.

All Approved. Motion passed 5-0.

2. Petition for Variance of Developmental Standards for Michelle L. West (buyer) and Risley Bingham M Life Estate Trustee Trust (owner) for placement of a mobile home. This is a legal lot of record. The property is located at 5776 W. 800 N., Michigan City, IN., Springfield Twp., zoned R1B on 0.63 acres. Parcel 46-02-30-101-011.000-062.

Attorney Biege stated notice is adequate.

Michelle West stated her address is 305 Marsh Arbor Trail, Michigan City, IN.

Melissa Mullins Mischke asked if she is buying the entire property.

Michelle West stated yes. It is a little over a half-acre. It is not developed. She wants to go in and clear it, keep the nice trees, remove her home from Weatherstone Village, and place it on the property. She will add a two-car garage and a four-season room.

Melissa Mullins Mischke stated that as a County they are trying to keep mobile homes in mobile home parks. Is there a need that has arisen that this is her only option to move the mobile home.

Michelle West stated she is looking at her retirement. Weatherstone keeps raising lot rent. Financially, making this venture and being able to pay cash for the land and her home is already paid for; she would then have a lovely place to retire. The expenses would not be as astronomical as Weatherstone would be in the end. When she is on a fixed income later on, it makes sense. Plus, the satisfaction of owning and having a peaceful place to be. There is some clientele that move into those places and she does not appreciate living near to them. She has driven the property several times to check out the property and the neighborhood. It seems to be nice, quiet, and peaceful. Her mother is with her and she needs a quiet, peaceful place to live. They have had to move a couple of times from apartments because of the noise. They had a doctor's note to move out of a previous apartment and into the mobile home. She maintains all the bills and her mother takes care of the house. It is a great arrangement. She wants to give her a nice place to live and a nice place for her grandkids to have a yard to play in.

No remonstrators present.

Earl Cunningham asked what the model year is of the mobile home.

Michelle West stated it is a 2004.

Earl Cunningham asked if she had talked to the neighbors.

Michelle West stated they had to notify the neighbors by certified letter.

Glen Minich stated they haven't placed any mobile homes on lots like this. They are doing it for the safety of owners of trailer. There are certain safety requirements that are put in place in mobile home parks. They are also looking at the values of the surrounding properties. This area doesn't have mobile homes in it. Property values of the surrounded homes, he's afraid, would be affected.

Michelle West stated there are some in the area. She knows that they have approved one for this property once before. The lady unfortunately couldn't afford to move her mobile home. She is

already prepared to do that. By the time she is done, it won't look like a mobile home anyway. She would meet code.

Melissa Mullins Mischke stated she is concerned that she intends to add attachments on to the mobile home. This is not something that they encourage; to have additions onto the mobile home itself. The four-season room could be an issue. The garage potentially would not be an issue if it was detached.

Michelle West stated it would be detached.

Melissa Mullins Mischke stated adding structure onto the mobile home itself is discouraged.

Michelle West stated that mobile home structure will not be altered. The garage and four-season room will both be detached, but set in such a way that one will be on each end with a deck across the center so it will not longer look like a mobile home.

Earl Cunningham stated that from the roadside it will look like a home because you won't see the two ends of the mobile home.

Michelle West stated that is correct.

Earl Cunningham stated those two ends will be tied together with a deck across the entire front of the mobile home.

Michelle West stated that is correct.

Glen Minich made a motion to deny the Petition for Variance of Developmental Standards for Michelle L. West (buyer) and Risley Bingham M Life Estate Trustee Trust (owner) for placement of a mobile home. This is a legal lot of record. The property is located at 5776 W. 800 N., Michigan City, IN., Springfield Twp., zoned R1B on 0.63 acres. Parcel 46-02-30-101-011.000-062.

Motion dies.

Earl Cunningham made a motion to approve the Petition for Variance of Developmental Standards for Michelle L. West (buyer) and Risley Bingham M Life Estate Trustee Trust (owner) for placement of a mobile home. This is a legal lot of record. The property is located at 5776 W. 800 N., Michigan City, IN., Springfield Twp., zoned R1B on 0.63 acres. Parcel 46-02-30-101-011.000-062.46-14-08-401-016.000-056

Dwayne Hogan seconded.

Approved. Motion passed 3-2.

3. Petition for Special Exception for Journey Church Ministries, Inc. (buyer) and George M. White (seller) to operate a church. The property is located at 282 W. Johnson

Rd., LaPorte, IN., Center Twp., zoned R1B on 3.14 acres. Parcel 46-06-22-302-004.000-042.

Attorney Biege stated notice is adequate. He is also a private attorney outside of the BZA and he represents the seller in this matter.

Glenn Oman stated his address is 1204 Webber St., LaPorte, IN.

Glenn Oman stated he is the treasurer for Journey Church just outside of LaPorte. Journey Church has been searching for a new home to allow future growth of their congregation. They have reviewed several different options, both existing local buildings and new construction. They have identified Beacon Hills Banquet Hall at 282 W. Johnson Rd. as the best option available that meets all of their needs. They have completed negotiations for purchase with the current facility owner George White, with an anticipated closing date of December 20th, 2020. A special exception variance is required to allow them to use the building as a church. Journey Church is a non-denominational Christian church with about eighty (80) current members. It was formed by five (5) couples in 2015 as an all-volunteer church. It is currently located at the corner of 3901 N. 675 W. and Johnson Rd. in LaPorte County. They are an IRS qualified 501(c)(3) public charity since July 2016. They hired their first full-time pastor in November 2019. They provide local financial and volunteer support for a variety of different other charities; the PAC Center, the Citizens for Concern for the Homeless, First Steps of LaPorte, Dunebrook, and other local organizations. We also provide support for two other international organizations: Kenya REAL in Africa which provides schooling and support for young children and Eternal Anchor in Mexico which provides help for developmentally disabled youth. They are currently running two (2) Sunday morning services; one at 9 a.m. and one at 11 a.m. servicing about fifty to one hundred (50 – 100) attendees each week. They designed it into two services right now to split up to allow for social distancing and the process of dealing with the Covid situation. They have Sunday school classes for elementary, middle school, and high school students at 11 a.m. each week; it meets in the basement of their current facility right now. Their lead pastor Kelley Sewell is their only current permanent staff member that has current business hours at the church Monday through Friday each week 8 a.m. – 4 p.m. Smaller group meetings are held occasionally at the church as well as in member's houses. They have small groups like Women's Group or other groups that may meet at the facility occasionally. The presentation has pictures of the group and what some of their functions look like. The current zoning of the property is R1B which allows for the use of the property as a church with the approval of a special exception by the BZA. The petitioners, Journey Church, notified adjoining land owners via registered mail of their intent to seek the special exception. Conversations held with both adjoining gentlemen yielded no disappointments or discouragements from continuing with the process. The petitioners also provided the public notice of the special exception request via publication in the Westville Indicator on September 17th. They believe that they have met the standards for evaluation of a special exception. Their mission is to enhance the moral fiber of the community through spiritual support and outreach efforts to support their members and neighbors and their efforts to build healthy families and strong communities. Their mission is to help people on their journey to put Jesus first, others second, and to be third serving leadership. That is their mission in life. The standards for the evaluations are directly from the zoning ordinance, they don't need repeated as the Board is very familiar with them. From their point of view, the special exception

surrounding property, Legacy Hills Business Park and Legacy Hills Golf Course occupy the two largest tracks of surrounding property. Use of the property as a church does not eventually impact their traffic, noise for their neighbors, and they can conduct their normal business activities daily without any interruptions from them. The residential neighbors would see no substantial increases in commercial traffic or activities that would negatively impact the residential character of their neighborhood. Basically, it's church on Sunday or the need for any other activity that they may have going on. The public facilities and services: the current utility services are sufficient enough to support operation of Beacon Hills as a banquet center hall for numerous years. Connection to the City of LaPorte utility services is available if deemed necessary in the future. Their stance is that if it's not broke, don't fix it. The well is fine and the sewage/septic system is more than enough for them. Current entrances from Johnson Road and Judson Road provide continuous flow to avoid any kind of traffic congestion so they shouldn't see any issues on that front. On heavier days, such as Christmas or Easter, they use volunteer traffic control teams to direct traffic and make things flow so there are no big jam ups out on Johnson or Judson Road. The development requirements, ordinance intent, and county land development plan: there are no major exterior renovations planned at this time for the facility that would impact the appearance of the character of the property. It will stay the same. A professional business park, golf course, and a restaurant currently operate in the area so they don't see that they are anything special or significantly different from those activities. Journey Church activities don't represent significant departures from those activities or the activities currently at the Beacon Hills Banquet Hall; they have weekend services where they have weddings or other activities that go on with similar attendance. The special exception on use regulations: the current building location meets the requirements of zoning article 14.10.V.1.4 that is applicable to churches. It is twenty-five-foot setback requirements which the building more than adequately meets. They have complied with the required property owner and public notice notifications. Their special exception request meets the standards. They would be a good neighbor and positive influence to the community. For any golfers that happen to be in the area, if they need a little divine intervention, if their game isn't going so well, they can stop by and ask for a prayer and that may facilitate your game. You never know. Journey Church respectfully requests that the BZA grant their request for a special exception to use the Beacon Hills Banquet Hall as a church.

Earl Cunningham stated that as a former resident of that area, there is a sledding hill just off the parking lot. Will they still allow it to be used for sledding?

Glenn Oman stated he doesn't think it will be a problem and a few of the members may even go join in.

No remonstrators present.

Earl Cunningham made a motion to approve the Petition for Special Exception for Journey Church Ministries, Inc. (buyer) and George M. White (seller) to operate a church. The property is located at 282 W. Johnson Rd., LaPorte, IN., Center Twp., zoned R1B on 3.14 acres. Parcel 46-06-22-302-004.000-042.

Dwayne Hogan seconded.

All Approved. Motion passed 5-0.

4. Petition for Variance of Developmental Standards for Jacob A. Zwierzynski for retention of the chicken coop as well as the three (3) hens that reside in it. The property is located at 4165 E. 400 S., LaPorte, IN., Pleasant Twp., zoned R1B on 1.38 acres. Parcel 46-11-23-352-008.000-057.

Attorney Biege stated notice is adequate.

Jacob Zwierzynski stated his address is 4165 E. 400 S., LaPorte, IN.

Melissa Mullins Mischke stated he has three hens.

Jacob Zwierzynski stated he has three hens; one for each one of his small children.

Melissa Mullins Mischke asked if they happen to put a leash on them and walk them at all.

Jacob Zwierzynski stated they haven't tried yet. I'm sure it's coming though.

Melissa Mullins Mischke asked if the need for this variance arose from a complaint.

Jacob Zwierzynski stated from what he understood, one of his neighbors had a problem, but she has seventeen (17) chickens on her property and somebody said something about that. He isn't for certain as they keep to themselves.

Melissa Mullins Mischke asked if they are free range during the day.

Jacob Zwierzynski stated they are in the coop. If they come out, they are lured out with corn. They are never out by the road or in the corn field.

Melissa Mullins Mischke asked if his daughters participate in 4-H or something like that.

Jacob Zwierzynski stated they do not.

Melissa Mullins Mischke stated they are learning to be responsible hen owners.

Jacob Zwierzynski stated yes, absolutely. It's their job to clean it and take care of it.

Dwayne Hogan asked how long he has had the chickens.

Jacob Zwierzynski stated they got the hens in early February. It was nice to have the extra eggs during Covid as well. They're the girls' pets. They don't make any noise. They don't have any roosters and they don't plan on having any.

No remonstrators present.

Melissa Mullins Mischke stated she likes chicken. Are these considered urban chickens Glen?

Glen Minich stated just normal chickens this time.

Attorney Biege asked Jacob Zwierzynski if these are considered urban chickens? That's a joke directed to another Board member.

Earl Cunningham stated the property is well kept and the chicken coop is at the back of the property away from everybody else.

Melissa Mullins Mischke agreed.

Jacob Zwierzynski stated he takes a lot of pride in that; thank you.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Jacob A. Zwierzynski for retention of the chicken coop as well as the three (3) hens that reside in it. The property is located at 4165 E. 400 S., LaPorte, IN., Pleasant Twp., zoned R1B on 1.38 acres. Parcel 46-11-23-352-008.000-057.

Earl Cunningham seconded.

All Approved. Motion passed 5-0.

5. Petition for Variance of Developmental Standards for Ryan Lang (buyer) and Mark Babcock (seller) to build a home with fifty feet (50') of road frontage instead of the required two hundred feet (200'). The property entrance is located before or next to 4424 E. St. Rd. 4, LaPorte, IN., Pleasant., zoned R1A on 6.47 acres. Parcel 46-11-14-400-001.000-057.

Attorney Biege stated notice is adequate.

Ryan Lang stated his address is 1622 Michigan Ave., LaPorte, IN.

Melissa Mullins Mischke stated the guys are saying field of dreams on your property.

Earl Cunningham stated that on the aerial it looks like a perfect baseball diamond.

Ryan Lang stated it's the home plate. He is married with five (5) kids. He currently living on Michigan Ave. across from the Ruth Sabin Home. With Covid and five (5) kids they are trying to get into the country. They found this piece of land that Mark Babcock is selling. It has six-point-seven-four (6.74) acre with fifty feet (50') of road frontage instead of two hundred feet (200') of road frontage. He is asking to build a single-family home on this parcel. He did contact Pleasant Township and they supplied a letter stating the home will be accessible once the driveway is in.

Melissa Mullins Mischke asked if he could go more on the road frontage,

Ryan Lang stated the adjacent property isn't owned by Mark Babcock. It is owned by Stuart Pease. He did send two letters to try to purchase the four acres from Mr. Pease, but he has not heard back.

A visual of the proposed home shown to the Board.

Melissa Mullins Mischke stated it's beautiful.

Ryan Lang stated his dad, stepmom, and himself own LaPorte Housing Specialists so it would be a modular house.

REMONSTRATORS:

Elizabeth Osowski stated her address is 4456 E. SR 4, LaPorte, IN.

Elizabeth Osowski stated the property he is purchasing is in her back yard. Where they have the proposed home staked out, where it will be placed, will be in her view when she looks out her back window into her back yard. What she will see is the house. He can move it over. We moved out there for the view along with the country setting.

Greg Szybala asked if they are opposed to the home being there.

Elizabeth Osowski stated no, she just doesn't want it in her back yard.

Melissa Mullins Mischke asked if she was ok with the two homes to either side of her just not in the back yard.

Elizabeth Osowski stated yes because their view goes across the tree line with the field and everything.

Glen Minich stated in that neighborhood they all have hedges so you don't see your neighbors so much as you would see what is in the back yard.

Elizabeth Osowski stated right, she doesn't see them on the side because they put hedges up when they put their houses in. Her only view is the back.

Melissa Mullins Mischke asked if there was any reasoning to the placement of the home.

Ryan Lang stated the main reason was that it was the highest point of ground to build on. He does know what Elizabeth Osowski is stating. He is planning to continue the tree line with arbor vitae. The reason why it is there is because it is the highest point.

Glen Minich asked if they have done the septic survey.

Ryan Lang stated the soil test is scheduled tomorrow otherwise they are a month off.

Earl Cunningham asked if the purchase agreement is contingent on the BZA passing and the soil test.

Ryan Lang stated yes.

Greg Szybala stated it does not meet the requirements, but he does not think it's that big of an effect on what's going on with the houses that border State Road 4. It's not too big of a deal.

Melissa Mullins Mischke stated they know how she feels about fifty feet (50') of road frontage, but there's lots of space back there.

Attorney Biege stated keep in mind this is an existing parcel. They are not creating it. It avoids creating another landlocked parcel.

Greg Szybala stated the split occurred before the changes.

Glen Minich stated the current code would not allow this. They would have never allowed this division. The final lot of any break up of an agricultural property has to retain two hundred feet (200') of frontage. This is just something were stuck with from the past. It will be useless space if it's not used for a residential use because it's pretty small for agricultural use.

Melissa Mullins Mischke stated she appreciated that he went to the Township Fire Department and spoke with them.

Ryan Lang stated he wanted to make sure that they could get an emergency vehicle back there.

Earl Cunningham stated that they should take into consideration, and maybe Covid emphasized this, that some people want to get back off the road and be in a decent amount of hidden acreage and not have their house visible from the road. They talk about it like they may be hard to sell, but it might be easier to sell.

Ryan Lang stated he has a good chunk going into a driveway and for electric and gas to get back there.

Annemarie Polan asked Ryan Lang to see the visual of the proposed home.

Annemarie Polan showed the visual to the audience.

Earl Cunningham made a motion to approve the Petition for Variance of Developmental Standards for Ryan Lang (buyer) and Mark Babcock (seller) to build a home with fifty feet (50') of road frontage instead of the required two hundred feet (200'). The tree line will be finished with mature arbor vitae. The property entrance is located before or next to 4424 E. St. Rd. 4, LaPorte, IN., Pleasant., zoned R1A on 6.47 acres. Parcel 46-11-14-400-001.000-057.

Dwayne Hogan seconded.

All Approved. Motion passed 5-0.

6. Petition for Variance of Developmental Standards for Victor and Karina Drapszo and Teresa Drapszo for construction of a third accessory structure (pool cabana) with a height of twenty-eight feet (28') instead of the maximum of eighteen feet (18') and with water. The property is located at 9233 N. 650 E., New Carlisle, IN., Hudson Twp., zoned A on 17.561 acres. Parcel 46-04-18-400-008.000-050.

Attorney Biege stated notice is adequate.

Victor Drapszo stated his address is 9233 N. 650 E., New Carlisle, IN.

Victor Drapszo state he has three (3) beautiful girls and they're getting really bored so they started a pool. And what's a pool without a cabana? It's a little tall, but it's still right in the middle of the property so he doesn't believe it will be an issue. Height wise, he is utilizing trees from the property to build this structure. The sketch shows the center piece is an actual tree that they had cut down.

Melissa Mullins Mischke stated she loves it; reusing, recycling, repurposing.

No remonstrators present.

Earl Cunningham stated that his property has two hundred feet (200') of frontage, but he's only using fifty feet (50') of it to get back to the home. It is isolated in the middle of the woods. It's similar to the last petition except he has two hundred feet (200') of frontage. Very secluded and beautiful property. The property looks very tropical.

Victor Drapszo stated they love it. They entire family enjoys the peace and quiet.

Dwayne Hogan stated that was his thought when he was back there looking at it. It was secluded.

Melissa Mullins Mischke stated it is a beautiful property. It is out far enough that the height will not impede the view of any of your neighbors.

Greg Szybala made a motion to approve the Petition for Variance of Developmental Standards for Victor and Karina Drapszo and Teresa Drapszo for construction of a third accessory structure (pool cabana) with a height of twenty-eight feet (28') instead of the maximum of eighteen feet (18') and with water. The property is located at 9233 N. 650 E., New Carlisle, IN., Hudson Twp., zoned A on 17.561 acres. Parcel 46-04-18-400-008.000-050.

Dwayne Hogan seconded.

All Approved. Motion passed 5-0.

7. Petition for Variance of Developmental Standards for Shane and James Hansen for construction of a third accessory structure for residential use. The property is located at 8531 N. 650 E., New Carlisle, IN., Hudson Twp., zoned A on 13.431 acres. Parcel 46-04-19-200-017.000-050.

Attorney Biege stated notice is adequate.

Shane Hansen stated his address is 8531 N. 650 E., New Carlisle, IN.

Melissa Mullins Mischke stated he wants to add an additional structure. What do you want to do with it?

Shane Hansen stated ag use.

Melissa Mullins Mischke asked if it would be to store stuff.

Shane Hansen stated yes.

Melissa Mullins Mischke asked if it would store lawnmowers, cars, . . .

Shane Hansen stated they are a working farm so it would be hand tools.

No remonstrators present.

Melissa Mullins Mischke asked if there is an existing shipping container there.

Shane Hansen stated not anymore. They had a rental cooler to store their produce. It was just a rental for three (3) months. It's not longer there; just during the summer.

Greg Szybala asked what type of farm it is.

Shane Hansen stated they grow lettuce and herbs for the grocery stores.

Glen Minich stated this would be a difficult thing for the building department to look at. Farms don't have to ask for a third accessory structure.

Annemarie Polan stated he was asking for a third for residential use. He just said ag, but that's not what he said when he filed. There are numerous buildings on the property.

Glen Minich stated sure and each building that they build requires a permit.

Shane Hansen stated it is over one hundred and forty-four square feet (144²') so that's why they're there.

Attorney Biege asked if it will be agricultural use or residential use.

Shane Hansen stated agricultural use. There are no utilities in it or anything.

Glen Minich asked Attorney Biege if they need to proceed.

Attorney Biege stated no.

Annemarie Biege stated he needs to get his permits. There are buildings there that didn't have permits.

Shane Hansen state there are no buildings that they have built on there that are over one hundred and forty-four square feet (144²). The shed was there prior to purchasing the property. The house was there. They built a chicken coop, but it's not over one hundred and forty-four square feet (144²).

Annemarie Polan stated the staff is under the impression that this would be like a mand cave.

Shane Hansen stated no.

Attorney Biege stated they can show this as a moot petition.

Melissa Mullins Mischke apologized for Mr. Hansen having to come in and wished him luck.

Upon further investigation, there was correspondence with a staff member that showed the Hansen's expressed their want to build a tiny home without utilities or water. It was coined a "he shed" and would be a place for them to escape to. This would be a residential use not agricultural use as Shane Hansen claimed.

8. Petition for Variance of Developmental Standards for James and Susan Donnelly to construct a nine-foot three and a half inch (9' 3½") fence instead of the maximum height of six and a half feet (6½'); North side of the property. The property is located at 4622 N. 525 W., LaPorte, IN., Center Twp., zoned R1B on 6.61 acres. Parcel 46-20-03-100-001.000-011.

Attorney Biege stated notice is adequate.

James Donnelly stated his address is 4622 N. 525 W., LaPorte, IN.

Melissa Mullins Mischke asked why he needed a fence so tall.

James Donnelly stated it's more of a privacy screen, not a fence. Where he is wanting to put the screen at is about forty feet (40') from the lot line and at the lot line there is a fence. It's more of a privacy screen. His neighbor has the ability to buy things: campers, this, that, and whatever. To look out into that is not ideal. His neighbor who is to the north sent an emailed letter to him. He states, "To the variance department: My name is Eric Hock. I own and live at 4702 N. 525 W. This is a property that borders Mr. Donnelly's property on the north. The fence he wishes to build will border my property. I have no issues or problems with the height of said structure that

he is proposing in any way. I just want to clarify that he can build it however height as long as he likes. I think what he has proposed is very pretty and unique.” He stated the reason for the height is because the properties have varying height differences and they would need the height for privacy. It is not a fence.

Attorney Biege stated that statement will be marked as positive remonstrance in the record.

Glen Szybala stated this fence will only be thirteen feet (13’) wide.

James Donnelly stated at that point, yes. It’s the space that is available between two trees.

Melissa Mullins Mischke asked if he wants to screen of just the area where his neighbor has items that he doesn’t want to look at.

No remonstrators present.

James Donnelly stated that this is one section here; if he wants to build another one eventually does he have to come in for another variance.

Attorney Biege stated no, as long as he is in compliance with the building code, he should be fine.

Greg Szybala asked if he has collected all the miscellaneous parts for this project.

James Donnelly stated they are still in the process. He is involved in the manufacturing of mesh so he has a couple twenty-four-inch (24”) sections of mesh that are actually opaque. You can look through it.

Greg Szybala stated it’s a pretty interesting project.

Earl Cunningham stated his wife has a pretty good artistic touch. She’ll fix it up.

James Donnelly stated it is something that is appealing to both him and myself. I wasn’t going to put up something that was obnoxious. That wasn’t the idea of it.

Earl Cunningham stated Melissa Mullins Mischke wants to take a picture of it so she can copy it.

Melissa Mullins Mischke stated but not nine feet (9’) tall.

James Donnelly stated if she wants a video of his property, he can get her a video. His wife has about two (2) acres of garden there.

Greg Szybala stated it is a beautiful yard.

James Donnelly asked if anybody came out and looked at it.

Four Board members stated they had.

James Donnelly stated he didn't do it, his wife did. He takes no credit for that; she has done it all.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for James and Susan Donnelly to construct a nine-foot three and a half inch (9' 3½") fence instead of the maximum height of six and a half feet (6½'); North side of the property. The property is located at 4622 N. 525 W., LaPorte, IN., Center Twp., zoned R1B on 6.61 acres. Parcel 46-20-03-100-001.000-011.

Earl Cunningham seconded

All Approved. Motion passed 5-0.

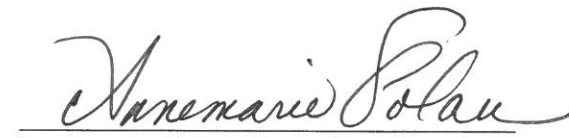
Melissa Mullins Mischke asked if there is any further business before the Board this evening.

Earl Cunningham asked if there is any information of the petition from Versaw that has been postponed.

Annemarie Polan stated she has not heard anything.

There being no further business, meeting adjourned at 7:04 p.m.


Melissa Mullins Mischke, President


Annemarie Polan, Recording Secretary